

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STERLING SAVINGS BANK, a Washington )  
state-chartered bank, )

Plaintiff, )

v. )

STEVEN WILLIAMS, an individual, and )  
trustee of The Williams Family Trust, )

Defendant. )

3:11-CV-00215-LRH-VPC

ORDER

On March 24, 2011, Defendant Steven Williams filed a notice of removal (#1<sup>1</sup>) asserting that the above-entitled action is removable under 28 U.S.C. § 1441(b) based upon the existence of diversity jurisdiction under 28 U.S.C. § 1332. On March 28, 2011, Plaintiff Sterling Savings Bank filed a motion to remand (#5) and a motion to shorten time on the motion to remand (#6).

In diversity cases, removal is permitted “only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b). “Separate and apart from the statute conferring diversity jurisdiction, 28 U.S.C. § 1332, § 1441(b) confines removal on the basis of diversity jurisdiction to instances where no defendant is a citizen of the forum state.” *Lively v. Wild Oats Markets, Inc.*, 456 F.3d 933, 939 (9th

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<sup>1</sup>Refers to the court’s docket entry number.

1 Cir. 2006). Here, Defendant is alleged to be, and does not contest he is, a resident of Nevada.

2 See Doc. #1, p. 2. Removal is therefore not permitted under § 1441(b), and remand to state court is  
3 required.

4 IT IS THEREFORE ORDERED that Plaintiff's Motion to Remand (#5) is GRANTED.

5 IT IS FURTHER ORDERED that Plaintiff's Motion for Order Shortening Time on Sterling  
6 Savings Motion to Remand (#6) is DENIED as moot.

7 IT IS FURTHER ORDERED that this case is remanded to the Second Judicial District  
8 Court of Washoe County, Nevada.

9 IT IS SO ORDERED.

10 DATED this 6th day of April, 2011.



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13 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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